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Gravel pit cannot expand

Utah justices uphold ruling that voided the permit for Parleys Canyon site

By ELIZABETH NEFF
The Salt Lake Tribune

The Utah Supreme Court on Tuesday stymied a controversial 50-acre expansion of a Parleys Canyon gravel pit in a ruling environmentalists say protects Salt Lake County foothills and canyons from other quarrying.

In 2001, Kearns-based Harper Contracting obtained an amended

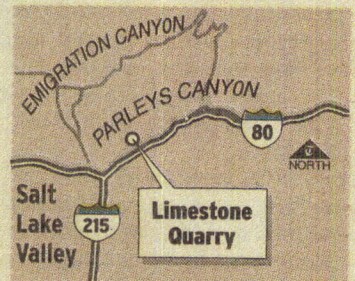
conditional use permit that allowed it to more than quadruple its digging operations. But 3rd District Judge Sandra Peuler voided the permit after environmental advocates Save Our Canyons and then-trustee Dave Carrier filed a lawsuit claiming county planning and zoning rules had been trampled.

The justices unanimously upheld Peuler on Tuesday, saying gravel pit operations do not qualify under an

exception for "mineral extraction and processing" on land zoned for forestry and recreation.

Tom Stephens of Save Our Canyons said the decision means it is highly unlikely that any operator or developer will be able to expand or open a new quarry on Salt Lake County land with protective forestry and recreation zoning.

"This is a great victory for those who See **GRAVEL PIT**, E6



The Salt Lake Tribune

Gravel pit can't expand, justices rule

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want to preserve the foothills and canyons from quarry operations," he said.

But Attorney Thomas Christensen, who represented the county in the appeal, said the permit was issued as a way to ensure the Parleys Canyon site would eventually be cleaned up, under a remediation agreement with Harper.

"It just seems that the outcome of this is it's likely to preserve blight," he said. "It's very unlikely the taxpayers are going to pay to remediate this, and it's unfortunate that we couldn't have a plan we could agree on."

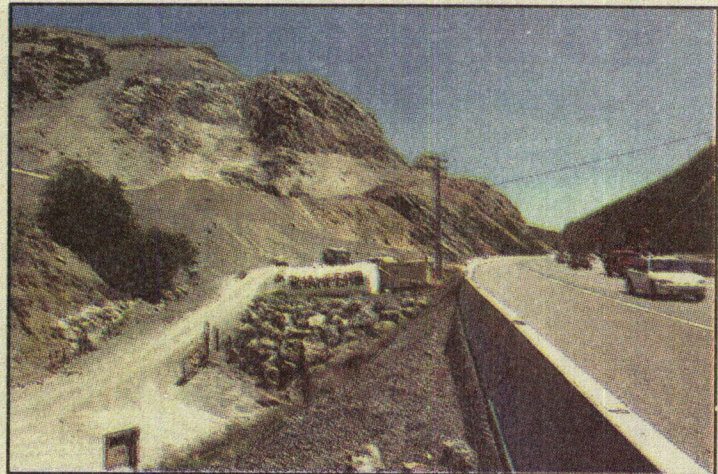
Carrier criticized the reclamation plan, saying it would have created a set of terraces with unsightly steep angles that would have required hundreds of years before any soil would be created on flat areas.

"It would have been a big ugly scar after reclamation," he said. "I think the county wanted to develop it and allow the quarry to continue."

Carrier said the same claim of an exception for "mineral extraction" on forest and recreation land was used by the county to allow The Church of Jesus Christ of Latter-day Saints to quarry more granite in Little Cottonwood Canyon in the 1990s. The church used the stone for its new Conference Center in downtown Salt Lake City.

"As a result of trying to fight that, we were more familiar with the county's zoning and in a better position to fight this one," he said.

Harper could apply for a new



Tribune file photo

Interstate 80 motorists traveling through Parleys Canyon pass Kearns-based Harper Contracting's quarry.

conditional use permit, but would first have to seek to rezone the property or change the current forestry and recreation zoning requirements, Christensen said.

Carrier said he would welcome an "aboveboard"

discussion on rezoning.

"Then there would be a public discussion acknowledging that we have got to get these materials from somewhere, but where is the best place to get them," he said. "We are talking about the gateway to Salt Lake City up there."